

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lone Star Cellular, Inc.)	
Application for Interim Operating Authority)	File No. 03169-CL-CP-94
In the Cellular RadioTelephone Service)	
Texas 15 – Concho RSA)	
Market 666A)	

ORDER

Adopted: February 29, 2000

Released: March 1, 2000

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. In this Order, we jointly address the Petition to Dismiss or Deny filed by Kent A. Foster (Foster) on June 1, 1994 (Foster Petition) and the Petition to Dismiss or Deny filed by Texas 14 Cellular Corporation (Texas 14) on June 1, 1994 (Texas 14 Petition) against the above-captioned application. For the reasons discussed below, we dismiss the Foster Petition and the Texas 14 Petition as moot.

2. On March 24, 1994, Lone Star Cellular, Inc. (Lone Star) filed an application for interim operating authority in the Texas 15 – Concho RSA.¹ On June 1, 1994, Foster and Texas 14 filed Petitions to Dismiss or Deny Lone Star's application. On December 24, 1994, the Wireless Telecommunications Bureau (Bureau) granted Lone Star's application to provide interim operating authority in the Texas 15 – Concho RSA, Market 666A.²

3. We dismiss the Foster Petition and the Texas 14 Petition because Foster was granted permanent authority to operate a cellular system in the Texas –15 Concho RSA, Market 666A, on October 3, 1995 and the Commission granted Foster's application to assign his authorization under call sign KNKQ-428 to Concho Cellular Telephone Company, the current licensee in this market, on February 21, 1997.³ After grant of permanent authority in the Texas 15 – Concho RSA, Lone Star ceased interim

¹ See *Public Notice*, Report No. CL-94-61 (rel. May 2, 1994).

² See *Public Notice*, Report No. CL-95-34 (rel. December 28, 1994). This Public Notice inadvertently listed Lone Star's application for interim operating authority under File No. 01369-CL-CP-94 as a Phase II Unserved Area application granted because of the withdrawal of the Petition to Deny pursuant to a settlement agreement. On December 30, 1994, counsel for Foster notified the Bureau that Foster's Petition was not withdrawn and requested that Lone Star's application be returned to pending status as it is not a Phase II application. See Letter from Steven N. Teplitz, Esquire, to John Cimko, Wireless Telecommunications Bureau, dated December 30, 1994.

³ See *Public Notice*, Report No. LB-97-21 (rel. February 21, 1997). The Commission has also authorized other permanent operators in the Texas 15 – Concho RSA. See *Public Notice*, Report No. LB-98-14 (rel. December 19, (continued....))

operations in Market 666A. For these reasons, we dismiss the Foster Petition and the Texas 14 Petition as moot.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and sections 0.331 and 1.939(g) of the Commission's Rules, 47 C.F.R. §§ 0.331 and 1.939(g), the Petition to Dismiss or Deny filed by Kent A. Foster on June 1, 1994 and the Petition to Dismiss or Deny filed by Texas 14 Cellular Corporation on June 1, 1994 against the above-captioned application are hereby DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau

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1997) (authorizing the *pro forma* assignment of call sign KNKQ-249 from GCC License Corporation to WWC Texas RSA Limited Partnership for operation in the Texas 15 – Concho RSA, Market 666A).